

## University of California, Hastings College of the Law UC Hastings Scholarship Repository

---

Propositions

California Ballot Propositions and Initiatives

---

1978

# Chiropractors. School Accreditation and License Revocation

Follow this and additional works at: [http://repository.uchastings.edu/ca\\_ballot\\_props](http://repository.uchastings.edu/ca_ballot_props)

---

### Recommended Citation

Chiropractors. School Accreditation and License Revocation California Proposition 4 (1978).  
[http://repository.uchastings.edu/ca\\_ballot\\_props/857](http://repository.uchastings.edu/ca_ballot_props/857)

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact [marcusc@uchastings.edu](mailto:marcusc@uchastings.edu).

# Chiropractors. School Accreditation and License Revocation—Legislative Initiative Amendment

Official Title and Summary Prepared by the Attorney General

**CHIROPRACTORS. SCHOOL ACCREDITATION AND LICENSE REVOCATION. LEGISLATIVE INITIATIVE AMENDMENT.** Amends initiative statute relating to chiropractors to modify requirements and procedures for approval of chiropractic schools and colleges. Permits increase in fee for state license to practice chiropractic at discretion of board of examiners. Expands grounds for denial, suspension, or revocation of license to include conviction of any felony, or any offense substantially related to chiropractic, on plea or verdict of guilty or plea of no contest. Financial impact: Insignificant fiscal effect on state and local governments.

## FINAL VOTE CAST BY LEGISLATURE ON SB 1671 (PROPOSITION 4)

Assembly—Ayes, 76  
Noes, 0

Senate—Ayes, 34  
Noes, 0

### Analysis by Legislative Analyst

#### Background:

**Licensing.** A chiropractor is one who practices the healing arts without the use of drugs or surgery.

Prior to November 1976, any person who graduated from a chiropractic school or college approved by the State Board of Chiropractic Examiners was eligible to be licensed by the state as a chiropractor. In the election of November 1976, the voters approved Proposition 15 which prohibits the State Board from approving any chiropractic school or college that has not been accredited by the Accrediting Commission of the Council on Chiropractic Education, an independent organization recognized by the United States Commissioner of Education. Students already enrolled in approved schools or colleges that had not been accredited would still be eligible to be licensed as chiropractors. However, students entering an unaccredited chiropractic school after November 1976 will not be eligible for a state license unless the school receives accreditation by the time they graduate.

At the present time there are 15 chiropractic schools nationwide, but only 10 are accredited. Only one of the four chiropractic schools in California is accredited; the other three are in the process of obtaining accreditation.

**Disciplinary Action.** Current law specifies a number of grounds on which the state may deny, suspend, or revoke a chiropractor's license. These include moral turpitude (depraved conduct), practicing under a false name, and presenting false information on the license application. However, the courts have ruled that if a person holding an occupational license is convicted of a crime which is not related to his occupation, the crime cannot be used as grounds for disciplinary action by the licensing agency.

#### Proposal:

This proposition would redefine "accrediting agency" to include not only the Accrediting Commission of the Council on Chiropractic Education, but all other accrediting agencies recognized by the United States Commissioner of Education or using equivalent standards for accrediting. The proposition would limit the time period during which unaccredited schools are to obtain accreditation, as follows: for schools which were in operation before November 1976, the period would end March 1, 1980; and for schools which commence operation after November 1976, the period would be three years following the commencement of instruction. The proposition would set forth guidelines and procedures for obtaining an extension of time for accreditation. Circumstances warranting an extension would include unreasonable, arbitrary, or capricious action by an accrediting agency. The Legislative Counsel advises us that students who entered chiropractic school before the effective date of this measure would not be affected by the new education requirements needed for a state license.

Additionally, this proposition would eliminate moral turpitude as grounds for denying, suspending, or revoking a license. It would, however, provide for suspension or revocation if a license holder pleads guilty to or is convicted of a felony or of any offense substantially related to the practice of chiropractic. The proposition does not define which offenses would be "substantially related" to the practice of chiropractic. Instead, they would be determined under current law by the Board of Chiropractic Examiners through the adoption of regulations, and could include such offenses as fraud and embezzlement of funds involving the practice of chiropractic.

#### Fiscal Effect:

The fiscal effect of the measure on state and local government would be insignificant.

## Text of Proposed Law

This law proposed by Senate Bill No. 1671 (Statutes of 1978, Chapter 307) expressly amends existing sections of the law; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENTS TO INITIATIVE ACT

An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith" approved by electors November 7, 1922, by amending Sections 4, 5, and 10 thereof, and by adding Section 20 thereto, relating to the practice of chiropractic, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to subdivision (c) of Section 10 of Article II of the State Constitution.

SECTION 1. Section 4 of the act cited in the title is amended to read:

Sec. 4. Powers of board. The board shall have power:

(a) To adopt a seal, which shall be affixed to all licenses issued by the board.

(b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public. Such rules and regulations shall be adopted, amended, repealed and established in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.

(c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided.

(d) To summon witnesses and to take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits.

(e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

(f) To determine minimum requirements for teachers in chiropractic schools and colleges.

(g) To approve chiropractic schools and colleges whose graduates may apply for licenses in this state. *The following shall be eligible for approval:*

(1) Any chiropractic school or college having status with the ~~Accrediting Commission of the Council on Chiropractic Education or the equivalent criterion thereof~~, accrediting agency and meeting the requirements of Section 5 of this act and the rules and regulations adopted by the board ~~shall be eligible for such approval~~.

(2) Any chiropractic school or college initially commencing instruction prior to the effective date of the amendments to this section approved by the electors at the November, 1976, general election, provided such school or college meets the requirements of Section 5 of this act and the rules and regulations adopted by the board and provided such school or college attains status with the accrediting agency within a

time period commencing on the effective date of this provision and ending March 1, 1980.

(3) Any chiropractic school or college initially commencing instruction subsequent to the effective date of the amendments to this section approved by the electors at the November, 1976, general election, provided such school or college meets the requirements of Section 5 of this act and the rules and regulations adopted by the board and provided such school or college attains status with the accrediting agency within a time period not exceeding three years following such commencement of instruction.

Upon submission of evidence satisfactory to the board that the accrediting agency has unreasonably denied status to a chiropractic school or college approved under paragraph (2) or (3) of this subdivision by not considering the application for status submitted by that school or college in a timely manner, by denying the application for status submitted by that school or college without good cause, or by imposing arbitrary and capricious additional requirements upon that school or college as conditions for the attainment of status, the board shall grant an extension of the time period for the attainment of status specified in the paragraph under which that school or college is approved, as it applies to that school or college, of at least six months but no more than one year. Prior to the expiration of such extension or of any additional extension the board grants, the board shall determine whether that school or college has been unreasonably denied status by the accrediting agency for any of the reasons specified in the immediately preceding sentence during the extension. Should the board determine such unreasonable denial of status during the extension has occurred, the board shall grant an additional extension of the time period for the attainment of status, as it applies to that school or college, of at least six months but no more than one year.

As used in this section, "accrediting agency" means (1) the Accrediting Commission of the Council on Chiropractic Education, other chiropractic school and college accrediting agencies as may be recognized by the United States Commissioner of Education, or chiropractic school and college accrediting agencies employing equivalent standards for accreditation as determined by the board, (2) in the event such commission ceases to exist or ceases to be recognized by such commissioner, a chiropractic school and college accrediting agency as may be designated by the board or chiropractic school and college accrediting agencies employing equivalent standards for accreditation as determined by the board, or (3) in the event such commission ceases to exist or ceases to be recognized by such commissioner, no other such accrediting agency is recognized by such commissioner, and no such accrediting agency is acceptable to the board, the board.

As used in this section, "status" means correspondent status, status as a recognized candidate for accreditation, accredited status, or other similar status as may be adopted and used by the accrediting agency.

As used in this section, "in a timely manner" means within the time deadlines as may be established by the accrediting agency for submission of applications, consideration of applications submitted, acceptance or rejection of applications submitted, and other similar functions, as those time deadlines are interpreted by the board.

As used in this section, "without good cause" means not in

*Continued on page 38*

## Chiropractors. School Accreditation and License Revocation—Legislative Initiative Amendment

### Argument in Favor of Proposition 4

Two years ago, California voters overwhelmingly approved a major reform of the "Chiropractic Initiative Act". Unfortunately, following adoption of the reform measure, it became apparent that the wording of a particular provision was subject to varying interpretations. The Superior Court of Los Angeles County ultimately rendered an opinion resolving the immediate problem with respect to the interpretation. That opinion, however, left unclear the specific conditions under which students entering unaccredited chiropractic colleges would be eligible, upon graduation, for admission to the state licensing examination.

Proposition 4 has been developed and approved by the Legislature and Governor to clarify the situation. At the same time, it has been designed to provide for several additional, prudent revisions in the "Chiropractic Initiative Act". If approved by you, the voters, Proposition 4 will enable all students entering unaccredited chiropractic colleges to determine precisely what requirements their colleges must meet, prior to their graduation time, to provide them eligibility for admission to the state licensing examination. Present uncertainties will be eliminated. In addition, consumer protection will be enhanced.

Your "YES" vote on Proposition 4 will help accomplish these four basic objectives:

(1) Establishment of a "date certain" by which unaccredited chiropractic colleges *now operating* must attain status with a nationally recognized accrediting agency, and establishment of the specific conditions under which that "date certain" can be extended as it pertains to a particular college due

to extenuating circumstances, if deemed appropriate by the Board of Chiropractic Examiners.

(2) Establishment of similar "date certain" provisions for chiropractic colleges which may commence operations in the future.

(3) Establishment of authorization for the Board of Chiropractic Examiners to deny, suspend, or revoke licenses to practice for convictions or convictions following pleas of *nolo contendere* (i.e. no contest) to felonies or to offenses related to the practice of chiropractic.

(4) Establishment of authorization for employment of commissioners to assist members of the Board of Chiropractic Examiners in administering state licensing examinations.

Proposition 4 is supported by the Board of Chiropractic Examiners, the California Chiropractic Association, the Federation of Chiropractic Licensing Boards, and the American Chiropractic Association. It represents a positive, constructive effort to further assure competency in the profession of chiropractic and to provide clear, specific guidance to students seeking entry into that profession.

Your "YES" vote on Proposition 4 is strongly encouraged and would be most sincerely appreciated.

**ALBERT S. RODDA**  
*State Senator, 3rd District*

**ROBERT REED, D.C.**  
*President, Board of Chiropractic Examiners  
State of California*

**RUSSELL A. SMITH, D.C.**  
*President, California Chiropractic Association*

### Rebuttal to Argument in Favor of Proposition 4

Snap, crackle, and pop my bones;  
MAHA thinks these are beautiful tones.  
They should not be over-regulated by anymore boards,  
Or bureaucrats in droves and hordes.  
As to each point by the people for yes,  
We say to more regulations, please, please, less.

What is there to guarantee  
That a chiropractor from an accredited university  
Will be better able to adjust your neck,  
And not just take more of your pay check?  
The people for yes say more boards, requirements,  
commission and mess;  
We say to more, please, please, less.

In the book of life it is writ  
That the legislature should know when to quit.  
In 76 the chiropractic Initiative was passed;  
Why wasn't this law the last?  
They say more uncertainties will be eliminated;  
We say more uncertainties will be created.

Why do we have to vote on trivia like this  
When pollution, crime, and high prices have caused our  
state to go amiss?  
What we need to vote on is legislation  
To improve our habitation.  
We don't need more regulations and rules,  
But better housing, transit, and schools.

So let's tell the establishment we don't want more  
schemes  
To fill the files with paper reams  
Of needless statutes and codes  
When pollution is choking us on the roads.  
We are mad as hell on four,  
And we aren't going to take it anymore.

**JERRY GLAZER**  
*Co-Chairperson, Mad As Hell Association*

**RICK CUNNINGTON**  
*Co-Chairperson, Mad As Hell Association*

**WINSTON POTTS**  
*Secretary-Treasurer, Mad As Hell Association*

# Chiropractors. School Accreditation and License Revocation—Legislative Initiative Amendment

4

## Argument Against Proposition 4

The State of California already has enough boards with enough rules. It doesn't need anymore rules or boards. Vote no on proposition 4.

There is a board of cosmetology, a board for embalmers, and there is one for dry cleaners. Do these boards insure that your shirt will come back from the cleaners wrinkle free? The answer is a resounding no.

If proposition 4 is passed, there will be more people added to government. There will be more rules and regulations. Who really needs them? About the only thing the new rules will accomplish will be to raise the price of chiropractic examinations.

Vote no on this proposition and tell your legislature that there are more important problems to be concerned about than whether your chiropractor's license should be suspended because he is guilty of moral turpitude. What difference does it make if a chiropractor is guilty of moral turpitude if he does a good job of cracking your back?

Scream at the top of your lungs and tell the legislature that you are as mad as hell and that you want the legislature to do

something about the high price of food, about the high price of housing, and about crime in the streets. Tell the legislature that unimportant issues should not be brought to the public to waste their time and money.

If government legislation continues in the manner of proposition 4, soon it will be necessary to have a doctorate degree from an accredited college to own a dry cleaners. Owners of dry cleaners will have to complete advanced courses in anatomical shirt pressing, synthetic fabric design, and a theoretical physical systems approach to spot removal. Yet your pants will still come back from the cleaners dirty.

Vote no on proposition 4 and tell the legislature that you are as mad as hell and you are not going to take it anymore.

**JERRY GLAZER**

*Co-Chairperson, Mad As Hell Association*

**RICK CUNNINGTON**

*Co-Chairperson, Mad As Hell Association*

**WINSTON POTTS**

*Secretary-Treasurer, Mad As Hell Association*

## Rebuttal to Argument Against Proposition 4

We have carefully examined the 315-word argument submitted by the opponents to Proposition 4. We have concluded that it is either a misplaced attempt at humor or a calculated effort to deceive voters.

This ridiculous argument discusses dry cleaners, cosmetology, embalmers, food prices, even crime in the streets. It devotes little space to the subject of Proposition 4—CHIROPRACTIC. What information it does provide is grossly misleading.

The argument intimates that Proposition 4 creates a new board. This is absolutely untrue. It modifies the laws governing chiropractors. These laws are administered by the Board of Chiropractic Examiners which was established by *California voters* through an *initiative* act passed in 1922.

The argument complains about the Legislature putting this "unimportant issue" on the ballot. But, it fails to mention that, under the provisions of the "Chiropractic Initiative Act" of 1922, no substantive changes can be made thereto, *unless approved by the voters*.

The argument states that Proposition 4 would result in

"more rules and regulations". This, too, is false. Proposition 4 mandates no new rules or regulations.

The argument discusses the cost of chiropractic examinations. But, it does not indicate that many conscientious students of chiropractic may be denied licenses to practice if Proposition 4 fails.

Please do not be deceived by this frivolous argument. If you have doubts, seek out more information on Proposition 4. We invite *strict scrutiny*. Upon serious consideration, you will find we have told you the truth. *Please join us in voting "YES" on Proposition 4.*

**ALBERT S. RODDA**

*State Senator, 3rd District*

**ROBERT REED, D.C.**

*President, Board of Chiropractic Examiners  
State of California*

**RUSSELL A. SMITH, D.C.**

*President, California Chiropractic Association*

# TEXT OF PROPOSITION 1—Continued from page 9

reports to the Director of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse such independent public accountant for his services out of any funds which such division may have available on deposit with the Treasurer of the State of California.

998.030. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at

such time or times as may be fixed by the State Treasurer.

998.031. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the General Obligation Bond Expense Revolving Fund established by Section 16724.5 of the Government Code such sums as have been expended for the purposes specified in Section 16724.5 of the Government Code, which may be used for the same purpose and repaid in the same manner whenever additional sales are made.

# TEXT OF PROPOSITION 4—Continued from page 21

accordance with rules and regulations that may be established by the accrediting agency as conditions for the attainment of status, as those rules and regulations are interpreted by the board.

As used in this section, "arbitrary and capricious additional requirements" means requirements which may be imposed by the accrediting agency as conditions for the attainment of status during the time period specified for the attainment of status by a chiropractic school or college that, in the board's judgement, cannot be satisfied within such time period or do not serve to improve the educational standards or quality of such school or college.

(h) The board may employ such investigators, clerical assistants, commissioners on examination and other employees as it may deem necessary to carry into effect the provisions of this act, and shall prescribe the duties of such employees.

SEC. 2.5. Section 5 of the act cited in the title is amended to read:

Sec. 5. License to Practice: Fee: Educational Requirements. It shall be unlawful for any person to practice chiropractic in this state without a license so to do. Any person wishing to practice chiropractic in this state shall make application to the board 45 days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Proof of graduation from an approved chiropractic school or college, as defined in Section 4, must reach the board 15 days prior to any meeting thereof. Each application must be accompanied by a licensee fee of not more than seventy-five dollars (\$75), as determined by the board. Except in the cases herein otherwise prescribed, each applicant shall present evidence of having attended, and graduated from, a chiropractic college accredited by or recognized as a candidate for accreditation by the Accrediting Commission of the Council on Chiropractic Education, or the equivalent thereof, and shall present to the board at the time of making such application a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the board, or proof, satisfactory to the board, of education equivalent in training power to such high school and college courses.

The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, except as herein otherwise provided:

Group 1	
Anatomy, including embryology and histology .....	14%
Group 2	
Physiology .....	6%
Group 3	
Biochemistry and clinical nutrition .....	6%
Group 4	
Pathology and bacteriology .....	10%
Group 5	
Public health, hygiene and sanitation .....	3%

Group 6	
Diagnosis, dermatology, syphilology and geriatrics, and radiological technology, safety, and interpretation .....	18%
Group 7	
Obstetrics and gynecology and pediatrics .....	3%
Group 8	
Principles and practice of chiropractic, physical therapy, psychiatry, and office procedure .....	25%
Total .....	85%
Electives .....	15%

Any applicant who had matriculated at a chiropractic college prior to the effective date of the amendments to this section submitted to the electors by the 1975/1976 1977-1978 Regular Session of the Legislature shall meet all requirements that than existed immediately prior to the effective date of those amendments but need not meet the change in requirements made by said amendments.

SEC. 3. Section 10 of the act cited in the title is amended to read:

Sec. 10. (a) The board may by rule or regulation adopt, amend, or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of professional service and the protection of the public. Such rules or regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.

(b) The board shall may refuse to grant, or may suspend or revoke, a license to practice chiropractic in this state, or may place the licensee upon probation or issue a reprimand to him, for violation of the rules and regulations adopted by the board in accordance with this act, or for any cause specified in this act, including, but not limited to: The employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; a plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense substantially related to the practice of chiropractic; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that holder of such license or any other person, company or association by which he or she is employed, or in whose services he or she is, will treat, cure, or attempt to treat or cure, any

venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising.

he proceedings for the refusal to grant, suspension or revocation of a license upon any of the foregoing grounds shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature, and the board shall have all the powers granted therein. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the \_\_\_\_\_ day of \_\_\_\_\_," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(c) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the fee specified in Section 5 upon the issuance of a new license.

SEC. 4. Section 20 is added to the act cited in the title, to read:

*Sec. 20. Intent of the amendments approved by the electors at the November 1978, general election. In approving the amendments to this act submitted to the electors at the November 1978, general election, it is the intent of the people of the State of California to respond to a decision of the Superior Court of the County of Los Angeles which held that the board's interpretation of the amendments to this act approved by the electors at the November 1976, general election did not reasonably provide adequate opportunity for two chiropractic colleges then instructing students in California to apply for and obtain status as Recognized Candidates for Accreditation by the Accrediting Commission of the Council on Chiropractic Education. The people deem the amendments to the act approved by the electors at the November 1978, general election to reasonably provide adequate opportunity for the two chiropractic colleges which were the subject of the aforementioned decision, other chiropractic schools and colleges instructing students as of the effective date of the amendments to this act approved by the electors at the November 1976, general election, and chiropractic schools and colleges which may be established and commence instruction following the effective date of the amendments to this act approved by the electors at the November 1976, general election, to attain status with the accrediting agency, as those terms are defined in subdivision (g) of Section 4. All courts shall be guided by this statement of intent in any decisions they may render relative to this act, but nothing in this act shall be construed to proscribe judicial review of any actions of the board relative to the administration and enforcement of this act.*

---

**TEXT OF PROPOSITION 5—Continued from page 25**

*function and not under the control of the owner or manager of the room or hall, but only while any such room or hall is used for a private social function. That the owner or manager of any such room or hall provides food or entertainment to the participants of a private social function does not mean said owner or manager has control of the function;*

*(e) any lobby area or waiting area in a facility designated by the owner or manager of said facility as a smoking area; provided, however, that any such designated smoking area shall be contiguous and shall not comprise more than 50 per cent of the entire lobby area or waiting area in said facility; and provided further, that except in hotels, motels, arenas, auditoriums, and theaters, any such designated smoking area shall be physically separated by walls or partitions from the remainder of the facility so that smoke does not permeate areas where smoking is unlawful;*

*(f) that portion of an educational facility designated by the authority having control of said facility as a student smoking lounge; provided, however, that any such smoking lounge shall not comprise more than 50 per cent of the entire student lounge area in said facility; provided further, that such entire lounge area shall not include restrooms; and provided further that, where reasonably practicable, presently existing walls, partitions, and other physical barriers shall be used to prevent or minimize the permeation of smoke from any student smoking lounge into any area where smoking is unlawful;*

*(g) that portion of an employer's facility designated by the employer as an employee smoking lounge; provided, however, that any such smoking lounge shall not comprise more than 50 per cent of the entire employee lounge area in said facility; provided further, that such entire lounge area shall not include restrooms; and provided further that, where reasonably practicable, presently existing walls, partitions, and*

*other physical barriers shall be used to prevent or minimize the permeation of smoke from any employee smoking lounge into any area where smoking is unlawful;*

*(h) private compartments in sleeping cars in a railroad train and those coach or lounge cars or sections thereof in a railroad train designated by the management of the railroad as smoking areas; provided, however, that any such designated smoking areas shall not contain more than 50 per cent of the total seats in the coach and lounge cars in said train; and provided further, that any such smoking areas shall be physically separated by walls or partitions from the remainder of the seats so that smoke does not permeate areas where smoking is unlawful and that a fixed-rail rapid transit system is not a "railroad" for purposes of this subsection;*

*(i) any fully enclosed office or room occupied exclusively by smokers who generally do not meet with members of the public in such office or room;*

*(j) any fully enclosed private office normally occupied by only one person;*

*(k) taxicabs when not carrying one or more passengers for hire;*

*(l) those manufacturing or production areas, or those sections of the manufacturing or production areas, of factories which the Department of Industrial Safety may by regulation exempt from the prohibitions of this Chapter on the grounds that, because of the distance between workers and the adequacy of ventilation, smoking in such areas or sections is not detrimental to the health, comfort, and environment of nonsmoking employees in such areas or sections;*

*(m) any private hospital room;*

*(n) any semi-private hospital room if both patients in such room have requested in writing to be placed in a room where smoking is permitted;*